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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,740	07/08/2003	John Frank Kralic	T2211-908586	6209

181 7590 07/15/2004

MILES & STOCKBRIDGE PC
1751 PINNACLE DRIVE
SUITE 500
MCLEAN, VA 22102-3833

EXAMINER

WUJCIAK, ALFRED J

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 07/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/614,740	Applicant(s) KRALIC, JOHN FRANK	
	Examiner Alfred Joseph Wujciak III	Art Unit 3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 July 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is the first Office Action for the serial number 10/614,740, UTILITY POLE CROSS-ARM AND ASSOCIATED POLE-TOP HARDWARE, filed on 7/8/03.

The applicant fails to insert numerical "11" for claim 11 that is under claim 10, the examiner is assuming claim 11 meant to be inserted.

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

The drawings are objected to because figure 1 is an exploded view which requires bracket, see MPEP 608.02 under "Exploded Views". A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Objections

Claim 17 objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claims 8 and 16. See MPEP § 608.01(n). Accordingly, the claim17 not been further treated on the merits.

The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claim 24 been renumbered 25.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 8-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 8-9 recite the limitation "that member" in lines 6 and 7. There is insufficient antecedent basis for this limitation in the claim.

Claims 10-15 are rejected as depending on rejected claims 8-9.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 5-14, 16-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent # 6,142,434 to Trost et al. and in view of US Patent Application #2001/0031329 to Shaffer.

Trost et al. teaches a cross arm (22) for a utility pole (12) having a fastening system. The fastening system includes clamping means (10). The clamping means is being secured to pole operative to extend about the cross arm. The clamping means includes a saddle/seat (46) that incorporates end portion of cross arm. The clamping means having a clamping force (44) for clamping about the pole. The saddle/seat secures the cross arm by mechanical fastening (86). The cross arm has an extension arm (14) extending upwardly from the cross-arm.

Trost et al. teaches the cross arm and extension arm but fails to teach the cross arm and extension arm are formed of metallic and coated with insulatory coating. Shaffer teaches a hollow steel (section 0024) having plastic (nylon, epoxy) insulating material (4). It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified Trost et al.'s cross arm with metallic and coated with plastic insulating material as taught by Shaffer to provide additional strength for supporting an object above thereon and to prevent electrical shock.

In regard to claims 25-27, Trost et al. teaches all elements above but fails to teach the use of elements in method. It would have been obvious for one of ordinary skill in the art at the time

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the invention was made to have specified steps for elements in method to provide a convenience for setting up the cross arm on the pole.

Claims 4 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Trost et al. and in view of Shaffer and in further view of US Patent # 4,085,010 to Ishimori et al.

Trost et al. in view of Shaffer teaches the coating but fails to teach the coating includes an electrolytic powder coating process. Ishimori et al. teaches the coating is an electrolytic powder coating process (col. 1, lines 5-68). It would have been obvious for one of ordinary skill in the art at the time the invention was made to have included electrolytic powder coating process to Trost et al. in view of Shaffer's coating as taught by Ishimori et al. to provide additional protection from the electrical shock.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

US Patent # 4,489,910 to Ferguson

US Patent # 4,860,985 to Olson et al.

US Patent # 5,088,672 to Neuendorf et al.

US Patent # 6,086,031 to Renfro

US Patent # 6,185,303 to Losey

US Patent # 6,561,473 to Ianello

US Patent # 6,739,561 to Herzog

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US Patent # 5,174,535 to Stubbersfield

Ferguson, Olson et al., Neuendorf et al., Renfro, Losey, Ianello, Herzog, and Stubbersfield teach a bracket that is mounted on the pole for securing an object thereon.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alfred Joseph Wujciak III whose telephone number is (703) 306-5994. The examiner can normally be reached on 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie A Braun can be reached on 703 308 2156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Alfred Joseph Wujciak III
Examiner
Art Unit 3632

ASV

Anita King
Primary Examiner
Art Unit 3632

7/12/04


RAMON O. RAMIREZ
PRIMARY EXAMINER
ART UNIT 355-3632